



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Petition for Termination of Guardianship

			See petition for details.	NEEDS/PROBLEMS/COMMENTS:
				Note: If this petition goes forward, need continuance for investigation.
	Aff.Sub.Wit.			1. Need Notice of Hearing and proof of service of Notice of Hearing at least 15 days prior to the hearing on the guardian and all relatives per Probate Code §1460(b)(5): - Trinidad Ybarra (Father) - Gloria Erlick (Paternal Grandmother) - James Addington (Maternal Grandfather) - Siblings age 12 or older
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	Inventory			
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	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	x		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 6/24/16
			Updates:	
			Recommendation:	
			File 1- Ybarra	

First and Final Account of Administratrix and Petition for Final Distribution

DOD: 5/18/07		ALICE HOUSTON , Daughter and Administrator with Full IAEA with bond of \$67,000.00, is Petitioner. Petitioner waives accounting. I&A: \$335,000.00 POH: \$335,000.00 (real property located at 3045 S. Clara in Fresno) Petitioner states the decedent died intestate, leaving no spouse or registered domestic partner. The decedent had three children (none deceased). Petitioner requests distribution of the entire estate (real property) to herself only.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner states she is the sole heir and waives accounting and requests distribution of the estate real property to herself only; however, pursuant to intestate succession, Petitioner's two siblings, Willie A. Tims and Milton Tims, are also heirs. The file does not contain any assignments or waivers from them, and they were not given notice of this petition. Therefore, need amended petition with amended proposed distribution, waivers of accounting from heirs Willie A. Tims and Milton Tims pursuant to Probate Code §10954, and notice served on the other heirs pursuant to Probate Code §11000. 2. This petition was filed with a fee waiver. The filing fee of \$435.00 will be due prior to order for distribution of assets, as the estate is not insolvent.
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Reviewed by: skc
Reviewed on: 6/24/16
Updates:
Recommendation:
File 3- Tims

Status RE: Capacity Declaration

		RAQUEL PINEDA , Daughter, was appointed Conservator of the Person on 5/9/16 and Letters issued 5/11/16.	NEEDS/PROBLEMS/COMMENTS: 1. Need amended Capacity Declaration in support of medical consent and dementia medication and placement powers. 2. It appears the Letters of Conservatorship issued 5/11/16 erroneously included estate powers, although conservatorship of the estate was not granted. Therefore, the Letters issued 5/11/16 will be revoked and Conservator Raquel Pineda should visit the Probate Clerk's Office as soon as possible for issuance of Corrected Letters (prepared by Examiner; in file for reference).
Cont. from 052616		Petitioner had requested medical consent powers under Probate Code §2355 and dementia medication ad placement powers under Probate Code §2356.5.	
Aff.Sub.Wit.			
Verified		Minute Order 5/9/16 states: Petitioner is to file a new capacity declaration; the Court grants the petition as to the person only.	
Inventory			
PTC		Examiner noted the following defects with the Capacity Declaration filed 4/1/16:	
Not.Cred.			
Notice of Hrg		a. Dr. Guzman did not complete #3 as to whether he is a physician or psychologist.	Reviewed by: skc Reviewed on: 5/24/16 Updates: Recommendation: File 14- Pineda
Aff.Mail		b. Dr. Guzman did not complete #4a as to when he last saw the proposed Conservatee.	
Aff.Pub.		c. Dr. Guzman did not complete #4b as to whether the proposed Conservatee is or is not a patient under his continuing treatment.	
Sp.Ntc.		d. Dr. Guzman did not complete #5 as to the proposed conservatee's ability to attend the hearing.	
Pers.Serv.		e. The Dementia Attachment at Page 4 (GC-335A) is not completed.	
Conf. Screen		f. The Dementia Attachment at Page 4 appears to be signed by a <u>different</u> doctor than completed the rest of the form. If a different doctor is completing the Dementia Attachment, need all of the general information required at #1-4 of Page 1 of the Capacity Declaration, including office address, licensure, and patient information.	
Letters			
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Video Receipt			
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Citation			
FTB Notice		As of 6/24/16, nothing further ha been filed re this matter.	

Ex Parte Petition for Appointment of Guardian Ad Litem

		<p>ALLIANCE UNITED INSURANCE GROUP is Petitioner and requests appointment of MARIDAUN DEFOREST, Parent, as Guardian ad Litem to represent the interests of STEVIE UNDERWOOD, a person with a disability within the meaning of Probate Code §3603.</p> <p>Petitioner states appointment as Guardian ad Litem is sought to give Ms. DeForest standing to file the petition to establish the Special Needs Trust with the Probate Court.</p> <p>Petitioner states Stevie Underwood suffered severe trauma to her brain when the vehicle driven by Dustin Harper struck metal fencing debris on eastbound Highway 180. Ms. Underwood was riding in the front passenger seat of Mr. Harper's vehicle. As a result, Ms. Underwood lost approx. 30% of her brain tissue, spent approx. one month in a coma, and underwent multiple brain surgeries. She does have some use of her limbs, is able to speak, is mentally alert, but her ability to problem-solve has become severely compromised.</p> <p>Mr. Harper's insurance agency, Alliance United Insurance Group, has offered to pay Ms. Underwood the limit of Mr. Harper's policy and has retained Mr. Gerger's firm to establish a special needs trust in order to protect Ms. Underwood's public benefits eligibility. A guardian ad litem is sought to file said petition.</p> <p>Petitioner states Ms. DeForest is Ms. Underwood's mother and has cared for her since the date of the accident. She has no interest adverse to Ms. Underwood. Her only goal is to protect the rights of Ms. Underwood.</p> <p>Mr. Berger does not represent Ms. DeForest or Ms. Underwood, but is assisting Ms. DeForest in the limited capacity to establish Ms. DeForest as the guardian ad litem for Ms. Underwood.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 5/26/16:</u> Mr. Earl requests a continuance to address the issues raised in the Examiner Notes.</p> <p>1. A person may not act as a guardian ad litem unless he or she is an attorney or is represented by an attorney. See NOTE at caption of the petition.</p> <p><u>Note:</u> Attorney Curtis Rindlisbacher appeared at the last hearing and has now been included in the service list; however, it is unclear who he represents.</p>	
Cont. from 033016, 050416, 052616				
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Petition for Order Establishing Special Needs Trust

		<p>STEVIE UNDERWOOD, by and through her Guardian ad Litem MARIDAUN DEFOREST, is Petitioner.</p> <p>Petitioner seeks an order under Probate Code §§3600-3613 to establish a special needs trust (SNT) with Ms. Underwood as the proposed beneficiary. The SNT will be funded with the proceeds of a release of claims against Dustin Harper. Ms. Underwood has a disabling condition and receives public benefits to meet her basic needs. Outright distribution will result in loss of vital public benefits unless directed to a SNT.</p> <p>Ms. Underwood is disabled because of an automobile accident in which she sustained severe head injuries. As a result, her cognitive functioning is impaired, affecting her ability to live independently and be employed. She receives SSI and Medi-Cal. See petition for details.</p> <p>Following the establishment of this SNT, Petitioner will seek an order approving compromise of disputed claim with a disability. After payment of the Medi-Cal lien, Ms. Underwood will receive approx. \$13,500.00. Petitioner seeks an order that this settlement be paid to the trustee of the Stevie Underwood Special Needs Trust, which is authorized under Probate Code §§3602-3613. See proposed trust at Exhibit B.</p> <p>Petitioner states the proposed SNT complies with all federal and state law requirements. The proposed beneficiary is disabled, is 24 years old, and the trust has a payback provision.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Ms. DeForest's standing as GAL is contingent on her appointment pursuant to the petition at Page A.</p> <p>Minute Order 5/26/16: Mr. Earl requests a continuance to address the issues raised in the Examiner Notes.</p> <p>As of 6/24/16, the following issues remain noted:</p> <p style="text-align: center;"><u>SEE PAGE 3</u></p>	
<p>Cont. from 033016, 050416, 052616</p>				
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	UCCJEA			
	Citation			
	FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 6/24/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15B- Underwood</p>		

Page 2 - Petitioner states the Court must find:

- 1) That the minor or person with a disability has a disability that substantially impairs the individual's ability to provide for the individual's own care or custody and constitutes a substantial handicap;
- 2) That the minor or person with a disability is likely to have special needs that will not be met without the trust;
- 3) That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet the special needs of the minor or person with a disability.

Petitioner states Stevie Underwood has already been determined to have a disabling condition such that she is eligible for SSI. She is partially paralyzed and her condition has impaired her ability to provide for her basic living needs and support. See petition for details.

Petitioner states without the trust in place, Ms. Underwood's special needs for things that will aid her throughout her life will not be provided for from public benefits, including caregiving services, palliative care, and other goods and services that will enhance her quality of life. A SNT will be necessary to provide those things.

Petitioner states in view of Ms. Underwood's serious disability and lack of other resources to pay for specialized care, the funds that will form the corpus of the trust appear reasonably necessary for her special needs.

Petitioner states the trust also complies with Cal. Rule of Court 7.903.

Petitioner proposes that **MARIDAUN DEFOREST**, Ms. Underwood's mother and guardian ad litem, be named as the initial trustee. The trustee will have available to her case managers, accounting and administrative support, and others to assist, as necessary, in carrying out her duties as trustee. Consent filed at Exhibit C.

Bond: Petitioner states the Court may dispense with bond if it appears likely that the estate will satisfy the conditions of §2628 for its duration. Given the value of the settlement (\$13,500.00), Petitioner respectfully requests that no bond be required by the trustee.

Petitioner prays the Court make the following findings and order:

1. That all notices have been given as required by law;
2. That the Court establish the Stevie Underwood Special Needs Trust, the Petitioner is directed to execute it, and the Court has continuing jurisdiction over it;
3. That Maridaun DeForest shall serve as initial trustee without bond;
4. That Stevie Underwood has a disability that substantially impairs her ability to provide for her own care or custody and constitutes a substantial handicap;
5. That Stevie Underwood is likely to have special needs that will not be met without the trust;
6. That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet Stevie Underwood's needs;
7. That the payment of all monies due Stevie Underwood in settlement of her potential claim shall be paid to the trustee of the Special Needs Trust after payment of the personal injury Medi-Cal lien;
8. That the assets of the trust estate are unavailable to the beneficiary and shall not constitute a resource to Stevie Underwood for her financial eligibility for Medi-Cal, SSI, regional center assistance, or any other program of public benefits.

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner requests bond be waived pursuant to Probate Code §§ 2323, 2628 given the value of the trust (See Article Eight, Section 1; Cal. Rule of Court 7.903(d); however, it is the policy of the Court to require blocked account in lieu of bond. Therefore, if bond of \$14,850.00 is not required pursuant to Cal. Rules of Court 7.903(c), 7.207, Probate Code §2320(c), need Order to Deposit Money Into Blocked Account (MC-355), and the Court will set a status hearing for the filing of the receipt (MC-356).
2. Petitioner requests the Court waive accountings (See Article Eight, Section 4) pursuant to Cal. Rule of Court 7.903(d), given the value of the trust; however, it is the policy of the Court to require at least a first account pursuant to Probate Code §2620(a) prior to waiver of *further* accountings. See Local Rule 7.8 re blocked accounts. If a first account is required, the Court may set a status hearing for its filing.
3. Need order per Local Rule 7.1.1.F, 7.6.1. If funds are required to be blocked, then also include a separate MC-355 Order to Deposit Money Into Blocked Account.

Note: If granted, the Court will set status hearings as follows:

- Thursday, August 12, 2016 for the filing of bond of \$14,850.00 or receipt for blocked account (MC-356), as required.
- Thursday, August 31, 2017 for the filing of the first account, if required.

If the proper items are on file, status hearings may come off calendar. See Local Rule 7.5.